

MINUTES
PROTECTION & WELFARE COMMITTEE
March 25, 2013
City Hall, Room 207
5:00 p.m.

MEMBERS PRESENT: Ald. Steuer, Ald. Brunette, Ald. Boyce, and Ald. Tim De Wane
MEMBERS EXCUSED: None
MEMBERS ABSENT: None
OTHERS PRESENT: Jim Mueller—Asst. City Attorney, Capt. Runge, and other interested parties.

1. Roll Call.

Ald. Steuer, Ald. Brunette, Ald. Boyce, and Ald. Tim De Wane were present.

2. Approval of the Agenda.

A motion was made by Ald. Brunette and seconded by Ald. Tim De Wane to approve the agenda. Motion carried.

3. Approval of the minutes from the March 11, 2013 meeting.

A motion was made by Ald. Brunette and seconded by Ald. Tim De Wane to approve the minutes from the March 11, 2013 meeting. Motion carried.

4. Application for one of five available "Class B" Liquor License by Taco Burrito Mexico of Green Bay, LLC at 218 S. Webster Avenue. (Currently has beer only.)

The Law and Police Departments did not have any objections.

A motion was made by Ald. Brunette and seconded by Ald. Tim De Wane to approve the application for one of five available "Class B" Liquor License by Taco Burrito Mexico of Green Bay, LLC at 218 S. Webster Avenue with the approval of proper authorities. (Currently has beer only.) Motion carried.

5. Application for a "Class A" Liquor License by Pit Row, Inc. at 2590 University Avenue. (Currently has beer only.)

The Law and Police Departments did not have any objections.

A motion was made by Ald. Boyce and seconded by Ald. Tim De Wane to approve the application for a "Class A" Liquor License by Pit Row, Inc. at 2590 University Avenue with the approval of proper authorities. (Currently has beer only.) Motion carried.

6. Application for an Entertainment Facility License by Monica Phelps at 913 E. Walnut Street (postponed from the March 11, 2013 meeting).

Atty. Mueller stated this item was discussed at the February 25 Protection & Welfare meeting and it was determined Ms. Phelps needed to turn in a business plan and meet with a Community Police officer to discuss issues that were brought up at that meeting. A decision was made to give Ms. Phelps time to do this and come back before this Committee in a month.

Ald. Boyce reported that there is already a business in operation at that address.

Ald. Brunette stated he was willing to give Ms. Phelps a chance to operate an entertainment facility even though members of the Council wanted to deny this at the Common Council meeting. At the last meeting Capt. Bongle informed Ms. Phelps that due to previous problems at this address he wanted a business plan turned in. Since Ms. Phelps didn't show up at tonight's meeting he is going to change his decision and vote to deny.

A motion was made by Ald. Tim De Wane and seconded by Ald. Boyce to deny the application for an Entertainment Facility License by Monica Phelps at 913 E. Walnut Street with the approval of the proper authorities (postponed from the March 11, 2013 meeting). Motion carried.

7. Appeal by Isaiah Miller Jr. to the denial of his Public Vehicle Operator License application.

Atty. Mueller stated the Law Department recommends denial based on the fact that Mr. Miller is a convicted felon. He was charged with a felony in 1994 for intimidation of a victim and a misdemeanor charge of battery; 1993 a misdemeanor disorderly conduct; 1992 misdemeanors for two counts of battery; and a 1990 misdemeanor for disorderly conduct.

Capt. Runge stated the Police Department is aware of these charges.

No one appeared for this issue.

A motion was made by Ald. Boyce and seconded by Ald. Tim De Wane to deny the appeal by Isaiah Miller Jr. to the denial of his Public Vehicle Operator License application. Motion carried.

8. Appeal by Kevin Vande Hei to the denial of his Operator License application (referred back from the March 19, 2013 Common Council meeting).

Atty. Mueller stated the Law Department recommends denial based on the fact that Mr. Vande Hei is a convicted felon. He was convicted in 2009 for underage

drinking, which is a forfeiture offence; and received a felony charge in 2008 for two counts of manufacturing and delivery of marijuana.

Kevin Vande Hei, 2016 Fern Lane appeared and stated in 2007 he was caught with drugs. He has since changed his life and needs this license to work at the Stop 4-1. He has another part-time job, but only works two days a week there.

Ald. Brunette stated the Mr. Vande Hei approached him and Ald. Tom De Wane at the March 19 Common Council meeting and stated he was told that Protection & Welfare Committee meets on Tuesday and that is the reason he didn't show up at the March 11 meeting. This is the reason Council decided to refer him back to this Committee. He asked Mr. Vande Hei to distribute the certificate to the Committee members that Mr. Vande Hei gave him at the Common Council meeting.

Mr. Vande Hei stated that when he was 17 years old he was selling drugs. He has changed his ways and has been a good employee for the last five years at all of his jobs. He plans to go to college for a business management degree, and wouldn't be able to hold down a full-time job while attending college. He stated that the owners of Stop 4-1 would help him schedule his hours of work to coincide with school.

Dan Tisler, 3353 Heaven Drive, appeared and stated he is part owner of the Stop 4-1. He has known Mr. Vande Hei for approximately two years now, and met him through his father. He stated that Mr. Vande Hei is a hard worker and works two shifts a week for seven to eight hours per shift.

Atty. Mueller inquired how many bartenders work on each shift. Mr. Tisler replied that there is usually only one bartender, but during busy times he or the other owner will tend bar as well. Atty. Mueller inquired if Mr. Tisler was aware that if Mr. Vande Hei was denied that he could still work but only if there was another licensed bartender on site. Mr. Tisler replied that he is aware of this, but stated that Mr. Vande Hei would need his license as he would be working by himself.

Ald. Brunette inquired if Mr. Tisler was aware that if Mr. Vande Hei had a lapse of judgment while working, this would reflect upon the tavern and its liquor license. Mr. Tisler replied he is aware of this but would still want Mr. Vande Hei to work for him.

Ald. Tom De Wane appeared and stated he knows the owners of the Stop 4-1 and they are reliable character witnesses.

Ald. Boyce asked what type of clientele is served at the Stop 4-1. Mr. Tisler stated that it's a small local neighborhood bar, much like a Mom and Pop place.

A motion was made by Ald. Tim De Wane and seconded by Ald. David Boyce to approve the appeal by Kevin Vande Hei to the denial of his Operator License application (referred back from the March 19, 2013 Common Council meeting). Motion carried.

9. Request by the City Attorney's office to repeal Green Bay Municipal Code Chapter 11 related to the regulation of restaurants.

Atty. Mueller stated that Chapter 11 has been on the books for many years and was initiated when the City had a Health Department. Since the City no longer has a Health Department we no longer can enforce this, in fact it hasn't been enforced in years.

Atty. Mueller stated there are other ordinances that the City cannot enforce any more and he will be bringing them before this Committee to repeal as well.

A motion was made by Ald. Brunette and seconded by Ald. Boyce to approve the request by the City Attorney's office to repeal Green Bay Municipal Code Chapter 11 related to the regulation of restaurants.

A motion was made by Ald. Brunette and seconded by Ald. Tim De Wane to adjourn the meeting at 5:15 p.m. Motion carried.

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